

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**VICTOR SMITH,**

**Plaintiff,**

**V.**

**EURO-PRO OPERATING, L.L.C.,  
EURO-PRO MANAGEMENT COMPANY  
CORP. and STANRO-EP CORP.,**

## Defendants.

**CASE NO: 3:05 CV 1186**

## DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Comes now, Defendant Euro-Pro Management Services, Inc. (“Defendant”), by and through the undersigned counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and moves this Court to enter summary judgment of all claims against it made by Plaintiff Victor Smith (“Plaintiff”). In support of its motion, Defendant states the following:

1. Plaintiff's Amended Complaint asserts a claim of race discrimination under Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e-2) and 42 U.S.C. §1981, arising from his termination of employment on December 3, 2004. Defendant is entitled to summary judgment as a matter of law because Plaintiff has failed to demonstrate that a genuine issue of material fact exists that his termination was in any way based on race.

2. Defendant is entitled to summary judgment because Plaintiff cannot show a *prima facie* case of discrimination. Plaintiff fails to identify any similarly situated employee outside his protected class who was treated more favorably than Plaintiff. Additionally, Plaintiff cannot show that he was replaced by any employee outside his protected class because Defendant has not hired anyone to replace Plaintiff since his termination.

3. Defendant has articulated legitimate, non-discriminatory reasons for termination, and Plaintiff fails to establish sufficient evidence to establish pretext.

4. In support of its motion for summary judgment, Defendant relies on the pleadings to date. Defendant further relies on its Brief in Support of Motion for Summary Judgment, and Evidentiary Submissions, both filed simultaneously herewith. Contained within the Evidentiary Submission are excerpts from the deposition of Plaintiff, Victor Smith (Exhibit "A"), excerpts from the deposition of Ralph Hudnall (Exhibit "B"), Declaration of Terry Robertson (Exhibit "C"), and the No-Cause Finding issued by the EEOC (Exhibit "D").

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that this Court enter an Order granting summary judgment as a matter of law in its favor as to all claims asserted by Plaintiff in this action.

Respectfully submitted by,

*/s/ Warren B. Lightfoot, Jr.*

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Warren B. Lightfoot, Jr.  
Attorney for Defendant  
Euro-Pro Management Services, Inc.

**OF COUNSEL:**

MAYNARD, COOPER & GALE, P.C.  
2400 AmSouth/Harbert Plaza  
1901 Sixth Avenue North  
Birmingham, Alabama 35203-2618  
Telephone: 205.254.1000  
Facsimile: 205.254.1999  
Email: wlightfoot@maynardcooper.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> day of November, 2006, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

John I Cottle, III  
Bowles & Cottle  
2 South Dubois Avenue  
P.O. Box 780397  
Tallasse, AL 36078  
Telephone: 334-283-6548  
Fax: 334-283-5366  
Email: JohnICottleIII@aol.com

*/s/ Warren B. Lightfoot, Jr.*

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OF COUNSEL